

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of TA'JANAE NICOLE VASSEL,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHN KENNETH VASSEL,

Respondent-Appellant,

and

LATEESHA GALYNN THOMAS,

Respondent.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LATEESHA GALYNN THOMAS,

Respondent-Appellant,

and

JOHN KENNETH VASSEL,

Respondent.

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UNPUBLISHED  
May 15, 2007

No. 274021  
Wayne Circuit Court  
Family Division  
LC No. 06-451748-NA

No. 274022  
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Family Division  
LC No. 06-451748-NA

Before: Before: Talbot, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights to their minor child. Respondent-father's parental rights were terminated pursuant to MCL 712A.19b(3)(g) and (j), and respondent-mother's parental rights were terminated pursuant to MCL 712A.19b(3)(g), (i), (j), and (l). Because the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence, and the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests, we affirm.

Respondents' child Ta'Janae Vassel (d.o.b. 10/29/05), came under the jurisdiction of the trial court upon petition when it was discovered that respondent-mother had had her parental rights to other children terminated in Ohio due to substance abuse, mental health issues, and other factors, and that the respondent-father did not visit or support the child. After a permanent custody hearing, both parents' rights to Ta'Janae were terminated. Respondents now each contend that the requisite statutory grounds for termination of their parental rights were not established.

We review the trial court's findings of fact in termination proceedings for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). "Once a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

MCL 712A.19b(3)(b)(g) provides that a parent's parental rights may be terminated if:

The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

Other statutory grounds for termination include when there is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent (MCL 712A.19b(3)(j)), and:

(i) Parental rights to 1 or more siblings of the child have been terminated due to serious and chronic neglect or physical or sexual abuse, and prior attempts to rehabilitate the parents have been unsuccessful.

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(l) The parent's rights to another child were terminated as a result of proceedings under section 2(b) of this chapter or a similar law of another state.

MCL 712A.19b(3)

In the instant matter, there was no evidence that respondent-father regarded this child as his responsibility to protect and provide for. The evidence, in fact, demonstrated that both parents failed to provide proper care or custody for the child.

At the permanent custody hearing, the evidence indicated that respondent-father did not visit or provide for the child. Respondent father resided in Ohio both before and after the child's birth, and did/would not even provide his address or verification of employment to Department of Human Services (DHS) workers. At a previous trial hearing, respondent-father testified that he had no source of income other than social security. He also testified that he had seen the child a couple of times but did not know that the child and respondent-mother were living in a shelter. Although respondent-father knew that respondent-mother had seven other children and that her parental rights to some of them had been terminated, respondent-father "never even thought about" taking Ta'Janae to live with him. In addition, one of respondent-father's other children was in the legal custody of her maternal grandmother. Testimony was provided that respondent-father refused to engage in the treatment plan with respect to that child. Accordingly, the trial court did not err in terminating respondent-father's parental rights pursuant to MCL 712A.19b(3)(g) and (j).

As to respondent-mother, the evidence revealed that at the time the child was placed in foster care, respondent-mother had seven other children, none of whom were in her care. Her parental rights to four of them had been terminated, two were in the legal custody of relatives, and one remained in long-term foster care. Although respondent-mother argued on appeal and at the termination hearing that evidence of the termination of her parental rights to her other children should not have been considered in this case because there was no evidence that the laws of Ohio (where the proceedings concerning the other children took place) were similar to the laws of Michigan, we disagree.

Orders from Lucas County, Ohio, terminating respondent-mother's parental rights to two of her children, Makayla and Jeremiah, were accepted into evidence. The orders entered into evidence confirmed that respondent-mother had been served and notified of the proceedings and was represented by counsel. In the orders, the trial court declared that its decisions were based on clear and convincing evidence of the statutory grounds for termination and the best interests of the children. The Ohio trial court also found that Lucas County Children's Services made reasonable and diligent efforts to prevent the continued removal of the children from respondent-mother's care by offering her a treatment plan. Moreover, the Ohio trial court found that respondent-mother failed to comply with the treatment plan and that Makayla, at least, had been in temporary custody for more than one year. In addition, the trial court notified respondent-mother that she had a right to an appeal. The above appearing similar to the procedures and standards employed in Michigan, the trial court properly considered evidence of respondent-mother's terminations in Lucas County in its decision regarding Ta'Janae. This evidence alone was sufficient to support termination pursuant to MCL 712A.19b(3)(i) and (l).

There was also clear and convincing evidence to support termination of respondent-mother's parental rights pursuant to MCL 712A.19b(3)(g) and (j). The minor child was placed in foster care at three months old. Prior to her placement, she resided with respondent-mother in a homeless shelter in Detroit. Respondent-mother had no source of income and remained a

resident of the shelter at the time of the trial hearing. Moreover, testimony and documentary evidence showed that in May of 2005, the year that Ta’Janae was born, respondent-mother had two of her children in temporary custody in Ohio, yet moved to Michigan and had not had contact with either one of the children (or Lucas County Children’s Services) since January of 2005. Respondent-mother had been offered many treatment plans and services over the years with respect to her other children and, according to the evidence, did not participate in mental health or substance abuse services. Respondent-mother tested positive for drugs numerous times over the years according to an Ohio DHS worker, and tested positive for marijuana at the birth of one of her children in 2004. The trial court properly considered this evidence in its decision because evidence of how a parent treats one child is probative of how that parent may treat other children. *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995).

When Ta’Janae was taken from respondent’s care, respondent-mother had no home, no income, and no plan for caring for her child. This evidence clearly demonstrated that respondent-mother had failed to benefit from any of the offered plans and services and would likely treat this child as she had treated her other seven children. Thus, the trial court properly concluded that clear and convincing evidence supported the statutory grounds for termination of respondent-mother’s parental rights. Further, the evidence did not show that termination of respondents’ parental rights was clearly not in the child’s best interests. MCL 712A.19b(5); *In re Trejo Minors*, *supra*, at 356-357.

Affirmed.

/s/ Michael J. Talbot  
/s/ Pat M. Donofrio  
/s/ Deborah A. Servitto